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LEGAL AND POLICY FRAMEWORK FOR SUSTAINABLE URBAN TRANSPORT IN INDIA: CONSTITUTIONAL FOUNDATIONS, POLICY INSTRUMENTS AND THE ROLE OF INTERNATIONAL ORGANISATIONS

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Abstract.

Sustainable urban transport is essential to achieving Sustainable Development Goal 11, which aims to build inclusive, safe, resilient, and sustainable cities. In India, urbanisation has led to increased congestion, pollution, road accidents, and unequal access to transportation; hence, transport has become an issue of legislation, institutions, and governance. This paper explores India's legal and institutional framework for sustainable urban transport. Using doctrinal and analytical methods, the paper examines the constitutional and legislative basis of urban governance in India, national policies and flagship programs, fiscal and regulatory tools for achieving low-carbon mobility in cities, and the role of international organisations. The paper shows that India has built a complex system of laws based on the Seventy-Fourth Constitutional Amendment, the National Urban Transport Policy, 2006, the Smart Cities Mission, AMRUT, incentives for electric mobility, and Bharat Stage VI emission standards, complemented by support from the United Nations system and the World Bank Group. Nevertheless, institutional fragmentation, limited municipal capacity, lack of finances, and the non-legally binding nature of key policies hinder implementation of policy objectives.

Keywords: *Sustainable cities; urban transport; SDG 11; Seventy-Fourth Amendment; National Urban Transport Policy; international organisations; India*

1. Introduction

Cities and sustainable communities are central to the 2030 Agenda for Sustainable Development, which the United Nations member states signed and agreed to [1]. The objective is to make cities and human settlements safe, inclusive, resilient, and sustainable, and to provide safe and sustainable transport for all, especially women, children, people with disabilities, and elderly persons. [1].

India's urban transition makes this promise both urgent and difficult. Over a third of the population already lives in cities, and the share is expected to grow significantly by 2030 [2]. Pressure on urban infrastructure has caused traffic congestion, air pollution, increased greenhouse gas emissions, road accidents, and mobility inequity. Transportation sustainability is thus not only a matter of engineering and infrastructure; it also requires law, institutions, and multi-level governance.

This paper examines how India's legal and policy framework supports sustainable urban transport. It addresses four connected questions:

- a) what constitutional and statutory bases govern urban transport;
 - b) how national policies and flagship programmes translate sustainability goals into planning and funding;
 - c) which regulatory and incentive mechanisms promote low-carbon and inclusive mobility; and
 - d) how international organisations shape India's approach through standards, finance and technical support.
- The study follows a doctrinal and analytical method, drawing on constitutional and statutory provisions, government policy documents and publications of international organisations.

2. Constitutional and Statutory Foundations

The constitutional basis of urban governance lies in the Constitution (Seventy-Fourth Amendment) Act, 1992 [3]. The insertion of Part IX-A (Articles 243P – 243ZG) through the Amendment acknowledged municipalities as the third tier of governance. It required State governments to transfer powers and functions related to planning, land use, transportation, and environmental protection. [4]. These functions are listed under the Twelfth Schedule, which includes urban planning, construction of roads and bridges, and amenities and environmental protection. As a result, municipalities now have the authority to undertake sustainable transportation schemes, linking national governance to the participative and decentralised

approach of SDG 11. However, delegation is uneven across the States, and success will hinge on state-level legislation, financial autonomy, and local administration.

Beyond the Constitution, other acts regulate urban transportation but do not focus exclusively on it. These include the State Municipal Acts, Town and Country Planning Acts, motor vehicles acts, and environmental acts. Two important acts that indirectly regulate urban transportation in India are the Environment (Protection) Act of 1986 and the Air (Prevention and Control of Pollution) Act of 1981 norms [5, 6]. Planning obligations such as master plans, comprehensive mobility plans and environmental impact assessments are legally required tools that shape transport development, while reporting, audits and performance monitoring convert sustainability objectives into measurable results.

3. National Policies and Flagship Programmes

To achieve SDG 11, India has shifted from fragmented, infrastructure-focused planning to an integrated approach that interlinks mobility, land use, environment, and equity. Three national tools highlight this development.

The National Urban Transport Policy (NUTP), 2006, marked a shift from vehicle-focused planning to a people-first approach [7]. It emphasises public transportation, pedestrians, and cyclists, recommends integrated land use and transport planning, calls for equal allocation of road space, and encourages States and cities to develop comprehensive mobility plans. Although not legally binding, the NUTP has influenced later urban transport policy by making federal financial support contingent on adherence to its guiding principles.

The Smart Cities Mission, launched in 2015, focuses on creating sustainable and inclusive cities through area development and city-wide interventions. Sustainable mobility is a key ingredient, involving investment in public transportation, smart traffic management, infrastructure, and last-mile connectivity. Special Purpose Vehicles (SPVs) are a unique form of governance adopted under the Smart Cities Mission, combining municipal governance with professional management. The Mission's careful selection of cities encourages them to innovate in sustainable mobility. The Atal Mission for Rejuvenation and Urban Transformation (AMRUT) works in tandem to improve basic infrastructure like footpaths, cycle tracks, and public transport systems by linking funds to service and governance plans.

Policy has also begun to address equity and institutional coordination. Expanded public bus networks, subsidised fares, gender-sensitive transport planning and universal design standards for public infrastructure reflect concern for women, children, senior citizens and persons with disabilities, consistent with the principle of leaving no one behind [1]. A few states have even

formed urban transport agencies, metropolitan planning boards, and integrated transport agencies to minimise fragmentation. Municipal bonds, PPPs, and multilateral funding have increased the sources of finance for transport projects.

4. Regulatory and Incentive Mechanisms for Low-Carbon Mobility

Transportation is one of the biggest contributors to greenhouse gases and urban pollution in India, and the government has introduced several financial and regulatory policies to address this. Two key policies are the National Electric Mobility Mission Plan (NEMMP) and the Faster Adoption and Manufacturing of Hybrid and Electric Vehicles (FAME) program [8]. From a legal perspective, these schemes show fiscal incentives operating as regulatory tools that steer market behaviour and industrial investment towards sustainable outcomes.

Regulation complements incentives. Bharat Stage VI emission norms impose legal obligations on vehicle manufacturers and fuel suppliers and align domestic standards with global environmental benchmarks [9]. Legal policies on vehicle recycling, efficiency, and safety also help ease the impact of ageing and inefficiency. Planning laws consider both demand and supply: Transit Oriented Development (TOD) encourages the development of high-density, mixed-use neighbourhoods along mass transit lines, and several Indian cities have incorporated TOD policies into their master plans. Legal policies on parking, congestion pricing, and pedestrianisation control travel demand.

5. Role of International Organisations

The role of international organisations in influencing India's policy, law and institutions towards urban sustainability should not be underestimated. These organisations have played this role through global norms, financial resources, expertise, and capacity-building support. Table 1 shows the major contribution made by the organisations reviewed in this paper.

At the international level, the UN provides the normative framework. The goals, targets, and indicators established under the 2030 Agenda for Sustainable Development provide India with a common reference framework for policy formulation and assessment in urban sustainability [1]. UNEP's Avoid-Shift-Improve framework, which asks cities to reduce unnecessary travel, shift to sustainable modes and improve vehicle and fuel technology, has become a widely accepted planning tool [10]. Its work on air-quality management, climate-resilient infrastructure and electric mobility has supported urban air-quality action plans in India [11, 12, 13]. UNDP concentrates on governance: it builds the capacity of urban local bodies,

promotes participatory and gender-responsive planning, and supports blended and climate finance for cities with limited fiscal room [14, 15]. UN DESA contributes analytical frameworks for integrated land-use and transport planning and for monitoring SDG progress, which bear directly on the problem of overlapping agencies [16, 17].

Table 1: International organisations and sustainable urban transport

United Nations (2030 Agenda)	Global goals, targets and indicators; review and accountability processes	Reference framework for national urban policy and reporting under SDG 11
UNEP	Low-carbon mobility; Avoid–Shift–Improve; air quality, climate resilience, electric mobility, data	Urban air-quality action plans; cleaner transport technologies; environmental integration in planning
UNDP	Governance, institutional capacity, inclusion and innovative financing	Stronger urban local bodies; participatory and gender-responsive planning; access to climate finance
UN DESA	Integrated land-use and transport planning; inclusive mobility; SDG monitoring	Coordination among overlapping agencies; metropolitan governance
UNESCO	Historic Urban Landscape approach; human-centred, heritage-sensitive mobility	Heritage cities such as Varanasi, Jaipur, Ahmedabad and Hyderabad
UN ESCAP	Regional cooperation, policy research and technical support	Regional experience with mass transit, TOD and low-carbon mobility
World Economic Forum	Public–private convening; innovation and digital mobility (no direct financing)	Policy dialogue on electric mobility and intelligent transport systems
UN DSS	Risk management and emergency preparedness	Indirect: safety and resilience of transport systems
World Bank Group (IBRD, IDA, IFC)	Lending, safeguards, institutional reform and private finance	Metro rail, BRT and urban roads; PPPs and green finance

The UNESCO Historic Urban Landscape framework sees the city as a complex cultural landscape. It promotes transport systems that value historic street networks, public spaces, and pedestrianisation as heritage sites, as in Varanasi, Jaipur, Ahmedabad, and Hyderabad do [18, 19]. ESCAP provides regionally focused research and discourse on rapidly urbanising Asia-Pacific nations [20]. The World Economic Forum neither finances nor implements projects but influences agendas and investment through public-private convening [21], and the UN Department of Safety and Security contributes indirectly through risk-management and emergency-preparedness principles relevant to resilient transport systems [22].

The World Bank Group is the most consequential external actor because it combines finance with regulatory influence. Its lending has supported metro rail, bus rapid transit and urban road projects in India, and its Environmental and Social Framework requires compliance with standards on environmental protection, resettlement, labour and stakeholder consultation, which often calls for domestic legal and regulatory reform [23, 24]. The International Bank for Reconstruction and Development (IBRD) links loans to institutional reforms such as dedicated urban transport authorities and better inter-agency coordination [25]. The International Development Association (IDA), although India is no longer a primary recipient, influences practice through its knowledge products on inclusive transport [26]. The International Finance Corporation (IFC) mobilises private capital through public-private partnerships and green finance, particularly for electric mobility and urban transit [27, 28].

Several themes cut across these organisations' work. UNEP, UN DESA, and the World Bank Group advance integrated planning that aligns transport with land use, housing, and environmental management, strengthening the case for TOD and pedestrian-friendly design in Indian cities [29]. Capacity building through training, toolkits and pilot projects addresses the skills gap that hinders implementation, and evidence-based policymaking, supported by emissions inventories, air-quality data and SDG indicators, allows progress to be measured. Equity runs through the work of UNDP, UNESCO and the IBRD, which insist that transport serve women, older persons, persons with disabilities and low-income households. Climate resilience features in the work of UNEP, UNDP, ESCAP and the World Bank Group, which urge that infrastructure withstand floods, heatwaves and extreme weather [30].

Two features stand out. First, these organisations act largely through soft law, conditionality and technical persuasion rather than binding obligations, so their impact depends on how far domestic law and institutions take up their guidance. Second, their roles are complementary: normative guidance (UN, UNDP, UN DESA), environmental and regional expertise (UNEP, UNESCO, ESCAP) and financial leverage (World Bank Group) together help bridge the

capacity and resource gaps that constrain urban sustainability initiatives.

6. Law, Policy and Institutional Interplay

The relationship between law and policy is central to the framework. Law defines the responsibilities of central, State, and local governments, while policy provides strategic goals and funding. National policies often tie financial support to planning and governance standards, encouraging municipalities to adopt sustainable transport options; the NUTP, the Smart Cities Mission, and AMRUT all work in this way. Planning obligations such as master plans, comprehensive mobility plans and environmental impact assessments then convert policy aims into enforceable requirements, and reporting, audits and performance monitoring measure results. International organisations reinforce the same logic when safeguard requirements and project conditions oblige recipients to reform their regulations and institutions. The framework thus relies heavily on incentive-based and conditional mechanisms, and it is strongest where statutory duties and local capacity back them.

7. Implementation Challenges

Despite this extensive framework, several obstacles remain. First, overlapping responsibilities among agencies and levels of government lead to fragmented decision-making. Second, the extent of devolution under the Twelfth Schedule differs among States, and many municipalities lack the financial resources and administrative capacity to plan and manage transport systems. Third, key instruments such as the NUTP are non-binding, reducing enforceability and leaving gaps between policy objectives and on-the-ground outcomes. Fourth, the adoption of TOD, parking control and congestion-pricing measures is uneven across cities. Overcoming these problems requires more than new policies; it calls for clearer legal frameworks, stronger institutions and greater accountability.

8. Conclusion and Suggestions

India's framework for sustainable urban transport is layered. It combines a constitutional mandate for decentralised governance, municipal and environmental statutes, advisory national policy, fiscally driven flagship programmes, regulatory measures for cleaner mobility and sustained international support. Together, these show that sustainable transport is as much a legal and institutional undertaking as a technical one. Yet its effectiveness depends on devolution, finance and capacity at the local level. Drawing on the analysis above, the paper

suggests the following measures:

1. Give clearer legal backing to urban transport planning, including unified metropolitan transport authorities with defined responsibilities, to end overlapping jurisdictions.
2. Strengthen municipal fiscal autonomy and diversify financing through municipal bonds, public–private partnerships and multilateral and climate finance.
3. Invest continuously in the capacity of urban local bodies, planners and transport officials.
4. Embed monitoring, reporting and audit mechanisms linked to SDG indicators so that accountability accompanies funding.
5. Give regulatory force to the core principles of non-binding policies such as the NUTP, namely priority for public and non-motorised transport and integrated land-use planning.
6. Mainstream equity through universal design, gender-sensitive planning and affordable fares.

With these reforms, India’s constitutional promise of empowered cities and its international commitment under SDG 11 can translate into safe, accessible, and low-carbon urban mobility.

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